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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) MWS-033RCE2	
	Application Number 10/717,412-Conf. #7251	Filed November 18, 2003
	First Named Inventor Michael H. MCLERNON *et al.*	
	Art Unit 2178	Examiner P. S. Salomon

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 64,883
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

/Neslihan I. Doran/
Signature

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Typed or printed name

(617) 202-4636
Telephone number

November 8, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 8, 2010 Electronic Signature for Neslihan I. Doran: /Neslihan I. Doran/

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Dated: November 8, 2010 Signature: /Neslihan I. Doran/ (Neslihan I. Doran)

Docket No.: MWS-033RCE2 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael H. McLernon *et al.*

Application No.: 10/717,412 Confirmation No.: 7251

Filed: November 18, 2003 Art Unit: 2179

For: PROPAGATION OF CHARACTERISTICS IN A GRAPHICAL MODEL ENVIRONMENT Examiner: P. S. Salomon

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is submitted together with a Notice of Appeal under 37 C.F.R. §41.31 and in support of a Pre-Appeal Brief Request for Review in the above-identified Application.

A. Claims 1, 3-4, 6, 9-13, 16-17, 20, 22-26, 29, 40-44 and 46-48

Claims 1, 3-4, 6, 9-13, 16-17, 20, 22-26, 29, 40-44 and 46-48 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0031019 to Lamanna et al. (hereafter "Lamanna"). *See* Office Action dated 07/08/2010 (hereafter "Office Action"), page 2, § 3.

The claimed subject matter includes identifying signal characteristics that are common to a plurality of source blocks and propagating the identified characteristics to a destination block in a block diagram model. The claimed subject matter provides a memory-efficient way of propagating signal characteristics while eliminating the need for manually entering the characteristics to each signal of the block diagram model.

At issue in this appeal is whether Lamanna discloses at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system* and *propagating a value of said selected at least one characteristic from at least one source block in said plurality of source blocks to said*

destination block as recited in Applicants' claim 1. Independent claims 24, 25, 26, 40, 42 and 47 include features that are similar to *selecting at least one characteristic; a block representing an elemental dynamic system* and *propagating the selected characteristic to a destination block*. Contrary to the Examiner's allegations, Lamanna is silent about *selecting* a characteristic *common* to a plurality of source blocks and *propagating* the *selected characteristic* to destination blocks. Lamanna illustrates components of similar types that store values. However, Lamanna does not disclose determining whether the components have common characteristics and selecting that common characteristic for propagation.

Applicants respectfully submit that Lamanna does not support a valid 35 U.S.C. §102(e) rejection of Applicants' claims 1, 3-4, 6, 9-13, 16-17, 20, 22-26, 29, 40-44 and 46-48 because Lamanna does not disclose the foregoing feature of Applicants' pending claims.

In the Office Action, The Examiner alleges that items 918-920 of Lamanna, i.e. three text box icons illustrated in Figure 9, are equivalent to a plurality of source blocks in an executable block diagram model. *See* Office Action, page 2. The Examiner further alleges that items 918-920 consist of numeric text, which the Examiner argues is a common characteristic in a math environment. *See* Office Action, page 2.

Lamanna generally discusses a debugger utility that allows a graphically or visually created application program to be run in a debug mode. The graphically created program includes a diagram that has plurality of icons. *See* Abstract. In Figure 9, Lamanna illustrates a graphical program that generates a sum by adding two numbers together, and then compares the sum to a third number to see whether the sum is greater than the third number. *See* [0100] and Figure 9. The graphical model illustrated in Figure 9 of Lamanna adds two numeric values contained in components 918 and 919. The numeric values are sent to a sum component that calculates the sum of the values. The sum is then compared to a numeric value contained in component 920.

As provided above, the Examiner alleges that the numeric text of Lamanna is equivalent to Applicants' *characteristic common to a plurality of source blocks.* Applicants respectfully submit that claim 1 is a method claim that recites the step of *selecting* at least one characteristic common to a plurality of source blocks. However, Lamanna is silent about ***selecting*** the numeric text of items 918-920 illustrated in Figure 9. Contrary to the Examiner's allegations, there is no *selecting* step in Lamanna. Applicants respectfully urge that merely

adding or comparing the contents of components is not equivalent to *selecting at least one characteristic common to a plurality of source blocks.*

In the Advisory Action, the Examiner argues that in Lamanna values for process execution are selected and passed on to the text box icons 1118 and 1119 which represent the souce blocks to block 934 in order to generate the sum that needs to be compared by block 936. *See* Advisory Action, § 11. It appears that the Examiner interprets *selecting* as selecting the value of the box. However, Applicants' claims recite *selecting at least one common characteristic* as opposed to selecting contents of multiple components. Lamanna is silent about *selecting at least one characteristic common to a plurality of source blocks.*

In addition, Lamanna fails to disclose *a block of said executable block diagram model representing an elemental dynamic system*, as further provided in Applicants' claim 1. The section of Lamanna cited by the Examiner as disclosing this feature indicates that icons can be graphically linked together to form a block diagram that represents the logical operation of the application program being developed. *See* [0102]. However, Lamanna fails to disclose that the text box icons 918-920 *represent an elemental dynamic system.* The text box icons of Lamanna merely represent numbers, i.e. operands, that are to be used in mathematical operations such as addition. These numbers do not constitute elemental dynamic systems. Lamanna does not disclose *a block of said executable block diagram model representing an elemental dynamic system.*

Moreover, Lamanna fails to disclose *propagating a value of said selected at least one characteristic from at least one source block in said plurality of source blocks to said destination block.* As discussed above, pending claims recite that the selected at least one characteristic is *common to a plurality of source blocks in an executable block diagram model representing a dynamic system.* Lamanna is silent about this feature of Applicants' pending claims. Accordingly, Lamanna cannot disclose *propagating a value of said selected at least one characteristic*, as further provided in the pending claims.

In light of the foregoing remarks, Applicants respectfully submit that Lamanna does not disclose each and every feature of Applicants' claims 1, 3-4, 6, 9-13, 16-17, 20, 22-26, 29, 40-44 and 46-48.

B. Claims 7, 8, 14, 15, 21 and 45

Claim 8 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Lamanna in view of Budinsky. *See* Office Action, page 12, § 5.

Claim 8 depends from independent claim 1 and, as such, incorporates each and every feature of claim 1. In light of the foregoing remarks, Applicants respectfully urge that Lamanna does not disclose or suggest at least the selecting feature and the propagating feature of Applicants' claim 1.

Budinsky fails at curing the shortcomings of Lamanna with respect to disclosing or teaching these claim features. Budinsky generally discusses automatic and user guided rule-based matching and reconciliation for integrating one or more entities. *See* Col. 2, lines 56-59. Budinsky is cited for discussing a multi-level undo/redo and direct rules manipulation. *See* Office Action, page 12, § 5. However, nowhere does Budinsky disclose or suggest the cited features of Applicants' claim 1.

Claims 7 and 21 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Lamanna in view of Iriuchijima. *See* Office Action, page 12, § 6.

Claims 7 and 21 depend from independent claim 1 and, as such, incorporates each and every feature of claim 1. In light of the foregoing remarks, Applicants respectfully urge that Lamanna does not disclose or suggest at least the selecting feature and the propagating feature of Applicants' claim 1.

Iriuchijima fails at curing the shortcomings of Lamanna with respect to disclosing or teaching the foregoing claim features. Iriuchijima discusses an object-oriented programming system which performs equivalent conversion on a class network structure (Abstract). Iriuchijima is cited for inheriting attributes from parent to child class. *See* Office Action, page 13, § 6. However, nowhere does Iriuchijima disclose or suggest the cited features of Applicants' claim 1.

Claims 14 and 15 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Lamanna in view of Shudo. *See* Office Action, page 13, § 7.

Claims 14 and 15 depend from independent claim 1 and, as such, incorporates each and every feature of claim 1. In light of the foregoing remarks, Applicants respectfully urge that Lamanna does not disclose or suggest at least the selecting feature and the propagating feature of Applicants' claim 1.

Shudo fails at curing the shortcomings of Lamanna with respect to disclosing or teaching the foregoing claim features. Shudo discusses an information processor which stores and manages objects with attribute information added to the objects. Shudo is cited for storing attribute information for further propagation. *See* Office Action, page 13, § 7. However, nowhere does Shudo disclose or suggest the cited features of Applicants' claim 1.

Claim 45 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Lamanna in view of Santori. *See* Office Action, page 14, § 8.

Claim 45 depends from independent claim 42 and, as such, incorporates each and every feature of claim 42. In light of the foregoing remarks, Applicants respectfully urge that Lamanna does not disclose or suggest at least the selecting feature and the propagating feature of Applicants' claim 42.

Santori fails at curing the shortcomings of Lamanna with respect to disclosing or teaching the foregoing claim features. Santori discusses a first graphical program modeling a product being designed and a second graphical program performing a measurement function. *See* Abstract. Santori is cited for creating virtual instrumentation system. *see* Office Action, page 14, § 8. However, nowhere does Santori disclose or suggest the cited features of Applicants' claim 42.

In light of the foregoing remarks, Applicants respectfully submit that Lamanna, taken either alone or in any reasonable combination with Budinsky , Iriuchijima, Shudo and Santori, does not disclose each and every feature of Applicants' claims 7, 8, 14, 15, 21 and 45.

Therefore, Applicants respectfully request that the outstanding rejections of pending claims 1, 3, 4, 6-17, 20-26, 29 and 40-48 be reconsidered and withdrawn.

Dated: November 8, 2010

Respectfully submitted,

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